

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**BEAR RIVER BAND OF
ROHNERVILLE RANCHERIA, a
federally recognized Indian tribal
government,**

Plaintiff

v.

**STATE OF CALIFORNIA, and GAVIN
NEWSOM IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF
CALIFORNIA,**

Defendants

CASE NO. 1:20-CV-1539 AWI SKO

**ORDER RE: MOTION FOR LEAVE TO
FILE SEPARATE STATEMENT OF
UNDISPUTED FACTS**

(Doc. 61)

Tribal Plaintiff has filed an ex parte request to allow the filing of a Separate Statement of Undisputed Facts. Doc. 61. This document was inadvertently omitted from the earlier filing of the Motion for Summary Judgment. State Defendants oppose the request on the basis that it does not meet the standard for granting an ex parte request for emergency relief. Doc. 63. While the ex parte emergency standard is not met, that goes to the form of the motion. This was a minor filing mistake and there is no real surprise in this request. Allowing the additional filing would help to maintain a complete record for analyzing the motion and for appeal.

The motion for leave to file a Separate Statement of Undisputed Facts is GRANTED.

State Defendants may file any additional response to the Separate Statement of Undisputed Facts within thirty (30) of the filing of this order.

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2 IT IS SO ORDERED.

3 Dated: March 31, 2022


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SENIOR DISTRICT JUDGE